

1 THOMAS F. FRIEDBERG, ESQ. (#110439)
2 **LAW OFFICES OF FRIEDBERG & BUNGE**
3 610 WEST ASH STREET, SUITE 1400
P.O. BOX 6814
3 SAN DIEGO, CA 92166-0814
4 TEL : (619) 557-0101
FAX: (619) 557-0560
“tom@lawofficefb.com”
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6 Attorneys for Plaintiff
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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 BEN GILES,
12 Plaintiff,
13 v.
14 JUSTIN PAUL THOMPSON, WATER TOYS,
INC., ISLAND BOAT RENTALS, KDME,
INC., and DOES I through L, inclusive,
16 Defendants.

CASE NO. 08CV0439 L RBB

**JOINT MOTION TO CONTINUE
EARLY NEUTRAL EVALUATION
CONFERENCE**

DATE : April 30, 2008
TIME : 10:00 a.m.
LOCATION : Chambers, Hon. Ruben
B. Brooks

Action Filed : March 10, 2008

19 This is an action for damages under general maritime law arising out of a personal water
20 craft accident that occurred on San Diego Mission Bay on April 3, 2005. The present action was
21 filed on March 10, 2008. All parties have been served to date. Defendant, KDME, INC., filed
22 an answer to the complaint on or about March 28, 2008. No other answers have been filed.

23 The Court has scheduled an Early Neutral Evaluation Conference for April 30, 2008, at
24 10:0 a.m. Plaintiff's counsel is scheduled to start trial in the case of *Thomas O'Shea and Zachary*
25 *Vance vs. County of San Diego, et al., GIC 876296* in Department C-75 of the San Diego
26 Superior Court on April 25, 2008. The case will last at between 4 to 6 trial days and, if it goes
27 out, will conflict with the Early Neutral Evaluation Conference. Plaintiff's counsel is scheduled
28 to be out of San Diego County between May 8 through May 16, 2008.

1 Plaintiff's counsel contacted the Court and was advised that the last date for the Early
2 Neutral Evaluation Conference to be held without Court Order was May 12, 2008. The next
3 available date was May 19, 2008, at either 8:30 a.m. or 1:30 p.m., but either an *ex parte*
4 application or a Joint Motion would need to be filed. Plaintiff's counsel contacted Thomas
5 Feerick, the attorney for KDME, Inc., who agreed to a continuance of the Early Neutral
6 Evaluation Conference to May 19, 2008, at 1:30 p.m.

7 NOW THEREFORE:

8 IT IS HEREBY STIPULATED AND AGREED that based on the calendar conflict of
9 plaintiff's counsel, the Early Neutral Evaluation Conference in the above matter may be continued
10 to May 19, 2008, at 1:30 p.m.

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12 DATED: April 17, 2008

LAW OFFICES OF FRIEDBERG & BUNGE

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14 By: S/THOMAS F. FRIEDBERG
15 THOMAS F. FRIEDBERG, ESQ.
16 Attorney for Plaintiff, BEN GILES

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18 DATED: April 17, 2008

FEERICK & ASSOCIATES

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20 By: S/THOMAS F. FEERICK
21 THOMAS F. FEERICK, ESQ.
22 Attorney for Defendant, KDME, INC.

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